

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STEVEN M. HUFFER,

Plaintiff,

Case No. 23-cv-1516-pp

v.

CARMEN KOSICEK, MAY HUFFER,
KATHY J. ERICKSON, CARLOS RODRIGUEZ,
ALISSA MARTITEZ and JOHN DOES,

Defendants.

ORDER REQUIRING PLAINTIFF TO PAY FULL FILING FEE

On November 13, 2023, the plaintiff—who is representing himself—filed a complaint, dkt. no. 1, and a motion for leave to proceed without prepaying the filing fee, dkt. no. 2.

On January 31, 2024, the court issued an order requiring the plaintiff to file an amended motion for leave to proceed without prepaying filing fee. Dkt. No. 5. The court explained that “[t]o qualify to proceed without prepaying the filing fee, a plaintiff must fully disclose his financial condition, and must do so truthfully under penalty of perjury.” *Id.* at 1 (citing 28 U.S.C. §1915(a)(1)). The court quoted the Seventh Circuit, which explained that “[p]roceeding [without prepaying the filing fee] is a privilege, and courts depend on the plaintiff’s honesty in assessing [his] ability to pay.” *Id.* at 1-2 (quoting Lofton v. SP Plus Corp., 578 F. App’x 603, 604 (7th Cir. 2014)). The court determined that “[t]he plaintiff’s affidavit does not provide enough information for the court to

determine whether he can pay the filing fee.” Id. at 2. The court came to this conclusion because the plaintiff had simply written “various” in several fields that had asked him to provide specific numerical “amount[s]” for his income and expenses. Dkt. Nos. 2 at 2-3, 5 at 2-3. The court ordered the following:

The court **ORDERS** that the plaintiff must file an amended request to proceed without prepaying the filing fee by the end of the day on **February 16, 2024**. If the plaintiff does not file an amended request in time for the court to receive it by the end of the day on February 16, 2024, the court will deny his application to proceed without prepaying the filing fee and will require him to pay the full \$405 filing fee by a date certain.

Id. at 3.¹

The February 16 deadline has passed and the court has not received an amended request to proceed without prepaying the filing fee. The court mailed the January 31, 2024 order to the plaintiff at the address on his complaint; the order has not been returned to the court as undeliverable, and the plaintiff has not advised the court that he changed addresses. The court will require the plaintiff to pay the full \$402 filing fee by the deadline the court sets below. See Jackson v. Foster, Case No. 14-CV-1194, 2015 WL 5918624, at *1 (E.D. Wis. Oct. 9, 2015) (“Congress requires courts to charge filing fees in exchange for allowing parties to file certain documents. . . . Parties pay a filing fee for the privilege of *filing* the complaint.” (emphasis in original)).

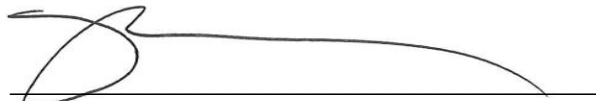
¹ On December 1, 2023 the fee for filing a civil case increased from \$402 to \$405. Because the plaintiff filed his complaint on November 13, 2023, his filing fee was \$402 rather than the \$405 the court referenced in its order. Dkt. No. 5 at 3.

If the court does not receive the full filing fee by the date the court sets below, the court will dismiss this case without further notice. See 28 U.S.C. §1914 (“The clerk of each district court *shall require* the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee” (emphasis added)).

The court **ORDERS** that by the end of the day on **April 12, 2024**, the plaintiff must pay the \$402 filing fee. The plaintiff must pay the \$402 filing fee in time for the court to *receive it* by the end of the day on April 12, 2024. If the court does not receive the full filing fee by the end of the day on April 12, 2024, the court will dismiss the case on the following business day without further notice or hearing for failure to pay the required filing fee.

Dated in Milwaukee, Wisconsin this 11th day of March, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge